

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Raj Houston,	:	
	:	
Petitioner(s),	:	
	:	Case Number: 1:15cv722
vs.	:	
	:	Judge Susan J. Dlott
Warden, Warren Correctional Institution,	:	
	:	
Respondent.	:	

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge J. Gregory Wehrman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on July 1, 2016 a Report and Recommendation (Doc. 12). Subsequently, the petitioner filed objections to such Report and Recommendation (Doc. 13).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, petitioner's motion to stay and hold the instant case in abeyance (Doc. 11) is DENIED.

Respondent's motion to dismiss the "mixed" petition without prejudice on exhaustion grounds (Doc. 7) is GRANTED only if petitioner fails to inform the Court in writing within thirty (30) days of the date of filing of the Report and Recommendation that he elects to withdraw his unexhausted ineffective-assistance-of-appellate-counsel claim and proceed to

judgment on the remaining claims alleged in the petition. If, on the other hand, petitioner informs the Court in writing within thirty (30) days of the date of filing of this Report and Recommendation that he elects to withdraw his unexhausted ineffective-assistance-of-appellate-counsel claim, respondent's motion to dismiss (Doc. 7) will be DENIED and petitioner is allowed to proceed on the remaining claims alleged in the petition that are not subject to dismissal on exhaustion grounds.

IT IS SO ORDERED.

s/Susan J. Dlott
Judge Susan J. Dlott
United States District Court